

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHRISTOPHER D. BODKIN,

Plaintiff,

-against-

ROBERT GARFINKLE, INDIVIDUALLY
AND AS REPUBLICAN COMMISSIONER
OF THE SUFFOLK COUNTY BOARD OF
ELECTIONS and ANITA KATZ,
INDIVIDUALLY AND AS DEMOCRATIC
MEMBER OF THE SUFFOLK COUNTY
BOARD OF ELECTIONS,

Defendants.
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MEMORANDUM AND ORDER

CV 05-4306

(Wexler, J.)

APPEARANCES:

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Mineola, New York 11501
Attorney for Plaintiff

CHRISTINE MALAFI, ESQ.
SUFFOLK COUNTY ATTORNEY
BY: DENNIS M. BROWN, ESQ., Assistant County Attorney
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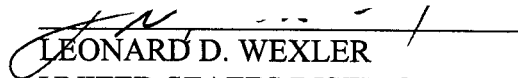
WEXLER, District Judge

This is a civil rights action commenced by Christopher Bodkin ("Bodkin" or "Plaintiff") alleging a violation of state law and of Plaintiff's rights pursuant to the Fourteenth Amendment to the United States Constitution. Presently before the court is the objection of Plaintiff to a discovery ruling of Magistrate Judge Arlene Rosario Lindsay, dated November 29, 2006

regarding Plaintiff's request to extend the discovery deadline to take additional non-party depositions. The Magistrate Judge denied the request on the grounds that: (1) discovery had been extended on a prior occasion to allow for the taking of two other depositions and (2) the record belied the claim that Plaintiff had only recently become aware of the identity of the two additional witnesses. Magistrate Judge Lindsay further noted that subpoenas seeking to depose these individuals had previously been quashed by the court because they were served in violation of the Federal Rules. Plaintiff neither re-served the subpoenas nor otherwise sought timely depositions. In view of these facts, Magistrate Judge Lindsay held that Plaintiff failed to show good cause to re-open discovery.

Pursuant to Rule 72 of the Federal Rules of Civil Procedure this court shall modify or set aside any part of an order appealed from a Magistrate Judge that is "clearly erroneous or contrary to law." FRCP 72(a). This court has reviewed the order of Magistrate Judge Lindsay as well as Plaintiff's objections and Defendants' opposing submission and concludes that the appeal should be denied. Accordingly, Plaintiff's objections are hereby overruled and the Order of Magistrate Judge Lindsay is affirmed.

SO ORDERED.


LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
January 23, 2007